

REMARKS/ARGUMENTS

Claims 1 and 21 are amended herein.

Claims 4 and 24 are cancelled because they are drawn to non-elected species.

Claim Rejections – 35 USC § 102

Claims 1-30 were rejected as anticipated by Bernady (CAS: 87:22543 and US 4,007,210), Lopez-Pelegrin (CAS 134:71397), Ohuchida (CAS: 100: 209457) or Floyd (CAS 90:54519). The claims are amended so that Z is cycloalkyl aromatic, benzo[b]thiophen-3-yl or 3-chlorobenzo[b]thiophen-2-yl. None of the references disclose compounds having these groups in this position. Therefore, the rejection is overcome.

Claim Rejections – 35 USC § 103

Claims 1-30 were rejected as being obvious over Bernady (US 4,007,210). Although all of the claims were rejected, including those having something other than alkyl for Z, the rejection appears to have relied upon Z being alkyl in the present claims. For example, the Office does not mention that the prior art does not disclose anything other than alkyl for Z. Bernady states: "R₂ is a straight chain alkyl group."¹ In the present claims Z is a ring structure. There is nothing in Bernady which fairly suggests compound having a ring in that position. Therefore, the claims as the presently stand are not obvious.

Double Patenting

A terminal disclaimer of US 7,015,243 and US 11/241,089, is enclosed herewith. Therefore this rejection is overcome.

¹ Column 1, line 32.

Objections

The claims are amended to exclude the non-elected subject matter. Thus, Applicants respectfully request that the rejection be removed.

In light of the arguments and amendments made herein, Applicants respectfully request that the application be allowed.

No fee is believed due in connection with this communication. However, if applicant is in error please charge Deposit Account 01-0885 for any fees related to this response.

Dated: May 12, 2008

Respectfully submitted,

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